

### **REMARKS**

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1-6, 8-14, 16 and 18-23 remain in the application and claims 1, 13, 16 and 21 are independent. The Office Action dated February 22, 2011 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the present application are respectfully requested in view of the amendment and the following remarks.

#### **Allowable Subject Matter**

Claims 13, 14 and 21 stand allowed. Applicants appreciate this indication of patentable subject matter. By this reply, Applicants have adopted the suggestions made by Examiner Keenan during the Examiner Interview discussed below in an effort to emphasize the distinctions over the applied prior art.

#### **Examiner Interview**

Following receipt of the final Office Action, Applicants requested an interview with Examiner James Keenan to discuss the rejections of record. Applicants and Applicants' representative Paul T. Sewell wish to thank Examiner Keenan for the courtesies extended during the telephone interview which occurred on May 10, 2011. During the interview we reviewed the features of the invention, especially as they relate to the rejected independent claims and we discussed features of the invention not shown or suggested by the applied prior art. Examiner Keenan suggested several changes to the rejected independent claims, such as are noted in the Interview Summary dated May 17, 2011 and are related to objects being picked up from directly below the collecting device and the gripping device moves only vertically during gripping and lifting.

Applicants greatly appreciate Examiner Keenan's cooperation and his suggestions for language which would distinguish the remaining claims from the structure and function of the applied prior art, which language has been adopted in the amended claims presented herein. Examiner Keenan indicated the suggested language would clarify the structure and function, but exact claim amendments were not agreed to. The above constitutes a statement of the substance of the interview.

Claim Rejections -- based on Peltomaki

Claims 1, 3/1-5/1, 6, 8, 10-12, 16, 19 and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Peltomaki in view of Galan. Claims 2, 3/3-5/2, 9, 18, 20 and 23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Peltomaki in view of Galan and Blakely. Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. See MPEP § 706.02(j) and MPEP §§ 2141-2144.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in an arrangement for running a warehouse including the intermediate store arranged in a fixable location above the storage area of the objects to be picked up on the collecting device to accommodate objects to be picked up from the storage area for filling the intermediate store by successively lifting one object or a plurality of objects from directly below the collecting device from various stacks in separate pick-up steps, whereas the intermediate store is arranged in the fixable location above the storage area as the objects are picked up; and the blades of the gripping device are only vertically movable with respect to the intermediate store while moving objects to or from the intermediate store such that the intermediate store accommodates the one object or the plurality of objects. Claim 16 has been similarly amended. Applicants respectfully submit that this combination of elements as set forth in independent claims 1 and 16 is not disclosed or made obvious by the prior art of record, including Peltomaki and Galan, with or without Blakely.

Discussion of the specific features of Peltomaki, Blakely and Galan from the previous record of this case need not be repeated and are incorporated herein, especially inasmuch as there was no disagreement during the interview as to the differences in structure and function over that of the present application. As discussed thoroughly during the interview, and to which Examiner Keenan agreed, Peltomaki does not have an intermediate store as now defined in the claims on a movable collecting device such that the intermediate store is arranged in a fixable location above

the storage area of the objects to be picked up on the collecting device to accommodate objects to be picked up from the storage area for filling the intermediate store by successively lifting one object or a plurality of objects from directly below the collecting device from various stacks in separate pick-up steps, and the blades of the gripping device are only vertically movable with respect to the intermediate store while moving objects to or from the intermediate store such that the intermediate store accommodates the one object or the plurality of objects. All objects held within the gripping device 20 of Peltomaki simultaneously rise and fall within the frame 21.

And even if Galan is construed as having an intermediate store, which Applicants do not admit, the clamp assembly 56 must both rotate and move horizontally in order to place or remove objects from the trays 44, rather than to be limited to only vertical movement. Galan fails to show or suggest an intermediate store arranged in a fixable location above the storage area of the objects to be picked up on the collecting device to accommodate objects to be picked up from the storage area for filling the intermediate store by successively lifting one object or a plurality of objects from directly below the collecting device from various stacks in separate pick-up steps, whereas the intermediate store is arranged in the fixable location above the storage area as the objects are picked up; and the blades of the gripping device are only vertically movable with respect to the intermediate store while moving objects to or from the intermediate store such that the intermediate store accommodates the one object or the plurality of objects. Therefore, Galan cannot remedy the defects of Peltomaki.

Similarly, Blakely only shows a log grab with opposed halves B and C. Blakely fails to show or suggest an intermediate store arranged in a fixable location above the storage area of the objects to be picked up on the collecting device to accommodate objects to be picked up from the storage area for filling the intermediate store by successively lifting one object or a plurality of objects from directly below the collecting device from various stacks in separate pick-up steps, whereas the intermediate store is arranged in the fixable location above the storage area as the objects are picked up; and the blades of the gripping device are only vertically movable with respect to the intermediate store while moving objects to or from the intermediate store such that the intermediate store accommodates the one object or the plurality of objects. Therefore, Blakely cannot remedy the defects of Peltomaki.

Applicants respectfully submit that the combination of elements as set forth in independent claims 1 and 16 is not disclosed or made obvious by the prior art of record,

including Peltomaki, Blakely and Galan, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 2-6, 8-12, 18-20, 22 and 23, Applicant submits that dependent claims 2-6, 8-12, 18-20, 22 and 23 depend, either directly or indirectly, from independent claims 1 and 16, respectively, which are allowable for the reasons set forth above, and therefore claims 2-6, 8-12, 18-20, 22 and 23 are allowable based at least on their dependence from claims 1 and 16. Reconsideration and allowance thereof are respectfully requested.

### Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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